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An Act for the Division of the County of Pulaski.

Sec 1. Be it enacted, By the General Assembly of the Territory of Arkansas, That all that portion of the County of Pulaski bounded and limited as follows, (to wit.) beginning at the mouth of the Petit Jean Bayou on the Arkansas River, thence up the said Bayou or the main branch thereof, until it comes to the line now dividing the counties of Clark and Pulaski; but if it should not strike the said line, before it comes to the head of the said main branch of the Petit Jean as aforesaid; it shall run from thence a South course, until it does strike the line, now dividing the said counties of Clark and Pulaski; thence along said line to the Canadian river, thence down the Canadian to the Arkansas river, thence up the Arkansas, to the mouth of the

Verdigris river; thence up the Verdigris to its falls: thence in a line running eastwardly, on such degrees as will intersect the line running from the Fire prairie, sixty miles north of the said river, thence with said line to the Arkansas river, thence down the Arkansas, to the place of beginning; shall be, and compose, a separate and distinct county, to be called, and known by the name of, The County of Crawford, to enjoy all the rights, benefits, and advantages, of a separate and distinct county.

Sec 2. And be it further enacted, That all suits now pending in the County of Pulaski, whether at law, or in chancery, where the defendants reside within the County of Crawford hereby erected, may be removed by the plaintiff, or his attorney, to the Court of the county hereby erected, said suits shall be removed, by the plaintiff, or his attorney applying to the clerk of the court for the County of Pulaski, for all the original papers

in said suit, and a certified copy of all proceedings had thereon; and it is hereby made the duty of the clerk of the County of Pulaski, to furnish all such papers, and certified copy as aforesaid, and shall receive the same fees therefor, as is now allowed for similar services; and the plaintiff or his attorney, after obtaining said papers, shall, within thirty days file the same, with the clerk of the court for the County of Crawford hereby erected, there to be proceeded on, and prosecuted to final settlement, as would have been, had not said suits been removed; and all prosecutions now pending in the County of Pulaski, where the defendants reside in the County of Crawford, shall be removed by the prosecuting attorney, in the same manner as just provided in civil suits, and prosecuted as tho' they had not been removed. And in the same manner, may all administrators, and executors, remove their administration, or executorship,

of the estate lie, or be, in the County hereby erected, and it shall be the duty of the clerk of the County of Crawford, to receive into his office, and file, all papers relative to any suit, prosecution, administration, or executorship, so to him transmitted, and record and doquet them, and proceed in each, and every case, as if the same had originated in his own Office.

Sec 3. And be it further enacted, That there shall be a Court organised in the County of Crawford hereby established, in the same manner, to possess the same powers, and jurisdiction, as the Courts of the other counties in this Territory.

Sec 4. And be it further enacted, That this act shall not go to vacate the Commission of any Justice of the Peace, or other Officer holding a commission, or acting as a legal Officer for the County of Pulaski, who may fall within the County of Crawford; but they shall hold, and exercise, their respective Offices, in the same manner, as if this act had not been passed, except that they shall be limited to the bounds of, and use the name of the County of Crawford, instead of the County of Pulaski.

Sec 5. And be it further enacted, That the temporary seat of Justice for the County of Crawford, be at Fort Smith until otherwise established by law.—

Sec 6. And be it further enacted, That this Act shall take effect, and be in force, from and after the first day of January next.

Approved Oct 18th 1820

James Miller

Joseph Hardin
Speaker of the House of Representatives

Edward McDonald
President of the Legislative Council

Resolved by the Legislative Council and House of Representatives that the proposals of Amos Wheeler for himself and agents for others Proprietors of Certain Lands on the Little Rocks, on the Arkansas — rivers, to furnish certain accommodations for the use of this Territory. And the Reciptients of the general Assembly of this Territory as long as they may think proper to use the same. That the Governor be requested to take bond with such security as he may think proper to inforce the compliance of the parties agreable to said proposals in the sum of twenty thousand dollars.

Joseph Tandin
Speaker of the house of Representatives.

Passed the house of representatives
this 14th October 1820

Edward McDonald
President of the Legislative Council.

Approved Oct 18. 1820

James Miller

X An act to remove the temporary seat of the General Government of the Territory of Arkansas

Sect 1st Be it enacted by the General Assembly of the Territory of Arkansas, That the Temporary Seat of the General Government shall be and is hereby removed from the Post of Arkansas to the Little Rock;

Sect 2nd And be it further enacted, That the Sessions of the Superior Court, and the General Assembly of the Territory of Arkansas, shall be held at the Little Rock the ensuing October Session &c &c

Sect 3rd And be it further enacted, That there shall be a Bank and two Warehouses [illegible] in a Block of Ground

Thousand dollars given to the Governor and his successor in office for the faithful performance of the foregoing and good conduct by which the seat of government is removed.

Sect 4th And be it further enacted, that this act shall take effect and be in force from and after the first day of June next.

Approved Oct 18th 1820
James Miller

Joseph Hardin
Speaker of the House of Representatives
Edward Mdonald
President of the Legislative Council

An Act to erect and establish the County of Independence

Sec 1. Be it enacted; by the General Assembly of the Territory of Arkansas, That all that portion of the County of Lawrence bounded as follows, (to wit,) beginning at a point in Big black river, halfway between the mouth of Strawberry and Bayou Cane, and running from thence a direct line to the point of the aforesaid ridge, between Strawberry river, and Bayou Cane, thence along the dividing ridge aforesaid, to the head waters of Bayou Cane aforesaid, then along the dividing ridge between Strawberry river, and White river, to the Northern line of the Territory; then with said boundary line, west, to the Southwest bank of the main branch of White river, then down said river, to the Northwest corner of the Choctaw claim, then southwestwardly with said claim, to little red river

then down the same, to its mouth, then along the northern boundary of the County of Arkansas to a point southeast of the beginning, then a direct line to the beginning; be laid off, and erected, into a separate and distinct county, to be called, and known by the name of Independence County.

Sec 2. And be it further enacted, That the County of Independence hereby erected and established, shall be vested with all the powers, privileges and immunities, of a separate and distinct county, and that in all suits and prosecutions, both civil and criminal, pending in the circuit court of the County of Lawrence, at the taking effect of this Act, against any person or persons residing within the county of Independence hereby erected, and established, it shall be the duty of the plaintiff, or prosecuting attorney, to procure from the clerk of the circuit court of the said County of Lawrence, a transcript-

of all the records and proceedings in such case and all depositions and other papers on file in his office, which shall be necessary or material, in the trial of any such case, and to file the same within twenty days thereafter, with the clerk of the circuit Court of the County of Independence, which said transcript shall be considered as a record of the said County of Independence, and be proceeded on to judgement and execution in the same manner as though the said suits or proceedings had originated in the said County of Independence. And all executions to be issued after taking effect of this Act, upon judgements rendered in the Circuit court for the County of Laurence, against any person or persons residing in the County of Independence hereby established, for all fees, fines and forfeitures which shall be then due, in pursuance of such process and proceedings,

commenced or served, at the time of the taking effect of this act, shall be directed to the proper officer in the County of Independence, and shall be collected by the said Officer, in the same manner, as if the said Judgement had been rendered in the said County of Independence, And administrators, executors and guardians, who now live or hereafter may remove to said County of Independence, and who may have, before the taking effect of this Act, administered on any estate, or have taken on him or them, the execution of any last will and testament, or the administration of any estate, or guardianship of any minor, or his estate, which guardianship, administration, or executorship, shall have been commenced within that part of the County of Lawrence, hereby made the County of Independence, such executor, administrator and guardian, shall be at liberty to obtain a copy of the papers and proceedings in their respective cases, and file

the same with the seal of the county thereof for the time being, and make fitting settlement in said county, and be subject to the like proceedings in the said County of Northumberland, as they would have been subject to in the said County of Lawrence, if they had not been fitted.

Sec 3. And be it further enacted, That any person acting as a Justice of the Peace, in and for the County of Lawrence, who shall fail certify the Records of the County of Northumberland shall be and continue a Justice of the Peace for the County of Northumberland, and shall have the same powers, and proceed in every respect in the same manner both in the matters commenced, and that may hereafter be commenced in the said two last mentioned Counties, except that they shall be confined to the bounds of, and the exercise of their

instead of Lawrence. The aforesaid County of Independence, shall belong to the first Judicial District, and the Circuit Judge for the said district; shall, as soon as legible after the Notary shall have been appointed and qualified, a Clerk of the Circuit Court for said County of Independence, which Clerk shall hold his office for four years, and be entitled to the same fees and emoluments, as other Clerks now are or hereafter may be by law

Sec 4. And be it further enacted, That the Courthouse seal of Justice for the County erected by this Act, shall be at the house of Chester Bailey on Verdigris river, until otherwise provided by law.

Sec 5. And be it further enacted. That this act shall take effect and be in force from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives

Approved Oct^r 23^d 1820

James Miller

Edward Mcdonald
President of the Legislative Council

An Act To repeal the law requiring Commissions to be recorded.

Sec 1. Be it enacted, by the General Assembly of the Territory of Arkansas, That all laws now in force in this Territory, requiring any person holding a civil commission from the Governor of the Territory, to have his Commission recorded before he enters upon the duties of his Office, be, and the same are hereby repealed. This Act to take effect, and be in force from and after the passage thereof.

Approved Oct^r 23^d 1820

James Miller

Joseph Hardin
Speaker of the House of Rep^s
Representatives

Edward Mcdonald
President of the Legislative Council

An Act to authorize the Governor to make an apportionment of the representation for the next General Assembly.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That the Governor shall request of the Marshall of the United States for this Territory, a list of the Persons of this Territory And if he shall obtain the same to make an apportionment of the Representation of the people, agreable to the provisions of the Organic law; And to order elections in each county agreable to said apportionment, and conformable to the laws of Missouri which were in force in the year 1819, which law is hereby declared to be the law regulating elections in this Territory

Sec 2. And be it further enacted, That the several Sheriffs of the respective Counties in this Territory, shall every two years take

the census of the People of this Territory, conformable to the law on that subject that was in force in the Territory of Missouri on the fourth day of July 1819, and made a law of this Territory by the Organic law of this Territory, and is hereby declared to be the law of this Territory, for the purposes therein contained. Said Sheriffs shall commence the taking of the census on the first day of January 1823, and on the same day every two years thereafter, and shall make return of said census to the Governor on or before the first day of April next after the commencement, any law to the contrary notwithstanding.

Sec 3. And be it further enacted, That the General Assembly shall convene on the first monday of October, in place of December, commencing with the year 1821 and every two years thereafter. And the several Sheriffs shall settle all accounts with the Auditor of Public Accounts, and pay in to the Treasury of the Territory

all taxes and other moneys that come through their hands on or before the first day of October yearly, or any law to the contrary notwithstanding. This act shall take effect and be in force, from and after the passage thereof.

Joseph Hardin
Speaker of the House of representatives
Edward McDonald
President of the Legislative Council

Approved Oct^r 24^th 1820
James Miller

An Act supplementary to the Law now in force in this Territory respecting prison bounds.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That the circuit Courts in the respective Counties of this Territory, shall have power to lay out the prison bounds of any county to any size not exceeding fifty acres including the jail of such County, which shall be the prison bounds of such County when so laid off. Provided however, that if any prisoner shall agree to board himself, he shall have the bounds of the whole township in which the jail is situated: but on rendering up the whole of his property on Oath for the use and benefit of his Creditors such prisoner shall immediately be released from prison; but any

property he may afterwards acquire, shall be liable to executions and sale as in other cases.

Sec 2. And be it Further enacted, That all parts of the laws now in force regulating prison bounds, which are repugnant to, or inconsistent with the provisions of this Act be, and are hereby repealed. This Act to take effect and be in force from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives

Approved Oct^r 24th 1820
James Miller

Edward McDonald
President of the Legislative Council

An Act authorizing and establishing a Court House at the seat of Justice, within and for the County of Pulaski.

Sec 1. Be it enacted, by the General Assembly of the Territory of Arkansas, that there shall be built within eight months after the passage of this act, at the seat of Justice in the town of Cadron, in Pulaski County, a good and sufficient common gaol, which shall be, and remain the common gaol of said county of Pulaski, after it is built and finished, Provided, that the whole expense of building and erecting said gaol, shall not exceed the sum of One thousand Dollars, Donations included.

Sec 2. And be it Further enacted, That there shall be built at the seat of Justice in the said town of Cadron, a convenient Court-house within eight months after the passage of this Act, which Court-house when so built shall be and remain the Court-house for said County of Pulaski. Provided that the expenses of building the same shall not exceed the sum of four hundred dollars.

Sec 3. And be it Further enacted, That John Tucker, James Lemon, and Thomas Burruss, shall be, and they are hereby appointed commissioners to contract with some suitable person or persons for building and erecting said Court house and gaol, and to superintend and cause the same to be built and erected according to the true intent and meaning of this act.

Sec 4 And be it Further enacted, That said Commissioners shall present the accounts and expenses for building said Court

house and gaol to the Circuit Court within and for said County of Pulaski, at the next term after said buildings are completed. And it shall be the duty of said Circuit court to audit, and settle, the same, as shall appear just and lawful.

Sec 5. And be it further enacted, That the expenses so incurred for building said Court-house and goal, shall be paid out of any monies in the County treasury of said County of Pulaski, not otherwise appropriated, and that any part of said sum or sums, which may thereafter remain unpaid, shall be levied, and collected from said County of Pulaski, in the same manner with other county taxes of said County, and in addition thereto; Provided however, that said Commissioners shall be authorized to open a subscription, and receive any amount that may be subscribed

for the erection of said buildings, and shall appropriate the amount so raised, and draw on the County treasury, for the remainder of said expense, provided it shall not exceed the sum hereby appropriated.

Sec 6. And be it further enacted, That this act shall take effect, and be in force, from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives.

Approved Oct^r 23 1820

James Miller

Edward Hempstead
President of the Legislative Council

An Act to suppress the Practise of Duelling.

Sec 1. Be it enacted, by the General Assembly of the Territory of Arkansas, That any person who shall hereafter, wilfully, and maliciously, or by previous engagement, fight a duel, or single combat, with any engine, instrument, or weapon, the probable consequence of which, might be, the death of either party, and in so doing shall kill his antagonist, or any other person or persons, or inflict such wound as that the person injured shall die thereof within three months thereafter, such Offender, his second, aiders, abettors, and counsellors, on conviction thereof shall be deemed guilty of murder, and shall suffer death. Provided always, That the Surgeon or Physician, who may attend

any person in his official capacity, either going out to fight, or when fighting a duel, or any by-stander, or person who may see or know of the fighting of a duel as aforesaid, shall not be found guilty, nor punished as aiders, abettors, or counsellors, unless it be proven that they did actually aid and assist, in bringing on, and getting the parties to fight a duel as aforesaid; but the knowing that two persons are going to fight, or seeing them fight, shall be no evidence that they were aiders, abettors, or counsellors, and such persons knowing the same, shall be good witnesses to prove the fighting, or sending a challenge to fight, or accepting a challenge, or acting as a second to any challenge sent or accepted, as hereinafter provided for, to fight any duel as aforesaid, and shall be bound to give evidence when called on for that purpose, or be committed to jail, there to remain until they will testify.

Sec 2. And be it further enacted, That if any person shall challenge another to fight a duel, with any weapon, or in any manner whatsoever, the probable issue of which may or might be, the death of the challenger or challenged, or if any person shall accept a challenge, or fight a duel as aforesaid, or if any person shall be the bearer of a challenge, (knowing it to be such,) or shall act as a second to any person to fight a duel, every person so offending, on conviction thereof, shall be fined in the sum of One thousand Dollars, and shall be rendered incapable of holding, or being elected to any post or office, of profit, trust, or emolument, either civil or military, under the Government of this Territory.

Sec 3. And be it Further enacted, That from and after the passage of this Act, any person who shall be appointed to any office,

or place, civil or military, in this Territory, every such person shall, before they take the Oaths now prescribed by law, take the following Oath. "I, G.D. do solemnly swear, (or affirm) in the presence of Almighty God, "that I have not been engaged in a duel, by sending or accepting a "challenge to fight a duel, or by fighting a duel, or in any other manner "in violation of the Act, entitled 'An Act to suppress Duelling', since the "passage of that Act, nor will I be so concerned directly, or indirectly "in such duel, during my continuing in Office, So help me God: And if he should so refuse to take this Oath, the Oath of Office, as now prescribed shall not be administered; and moreover, the Governor is required, immediately on notice being given to him to recal such Commission, and to commission some other person, who will take the Oath aforesaid; or where the person so refusing, has been

elected, to order a new election.

Sec 4. And be it further enacted, That it shall be, and is hereby made, a part of the duties of the Office of Coroner, and Justices of the Peace, when acting as Coroner, to enquire into the cause of the death of any person killed in a duel, or who dies of a wound received in a duel, in the same manner as in other cases of violent or unusual deaths; and of the Coroner, or Justice of the peace, in his enquest on any death, shall say, that the death was occasioned by a wound, (which wound he will describe,) and that he has reason to believe, that it was received in a duel fought with one I. H, it shall be good evidence for a grand jury to find a true bill.

Sec 5. And be it further enacted, That where any duel has been fought, or any challenge sent, or accepted, if no other evidence

be had to prove the fact, it shall be lawful for the prosecuting Attorney to call on either one of the seconds in such duel, to give evidence, and if any second so called on, shall refuse to testify, or to answer any question put to him by the Court, touching the premises, such person shall be fined in the sum of One thousand Dollars, and be committed to jail, until the fine shall be paid: Provided, That the second so called on to give testimony, shall not be arraigned, or put on his trial, for acting as second in the same duel, in which he is called upon to give testimony.

Sec 6. And be it further enacted, That the Judges of the several Courts of this Territory, at each, and every term of their respective Courts, are enjoined to give express in charge to the Grand Jury, all laws in force to suppress duelling, and to charge them, to present all persons concerned in carrying, sending or accepting

a challenge to fight a duel, and on presentment; if the Court has jurisdiction of the Offence, it shall proceed to trial in the ordinary way, if not, the presentment shall be certified by Order of Court, to such Court, as has jurisdiction of it, or shall be considered in law sufficient evidence for a magistrate, to issue his warrant against the accused, or for a sheriff, or constable to apprehend the accused, and take him before a magistrate, who shall commit him to the Jail of the Court having jurisdiction of the Offence.

Sec 7. And be it Further enacted. That when any Judge, Justice of the Peace, Sheriff, Coroner, or Constable, shall have cause to suspect that any person or persons, are about to be engaged in a duel, he shall, if a Judge, or Justice of the Peace, issue his warrant to bring the parties before him; if a Sheriff, Coroner, or Constable, he shall immediately arrest such person or persons, and take him or

them before some Judge, or Justice of the Peace, and such Judge or Justice, when such Offenders shall be brought before him, either on his warrant, or without, as above, if he thinks proper shall take from such Offender or Offenders a recognizance, in the condition of which, he shall insert, that the party or parties shall not directly or indirectly be engaged or concerned in any duel, either with the person suspected, or any other person within the term for which they are bound in said recognizance

Sec 8. And be it further enacted That if any person shall leave this Territory, for the purpose of fighting a duel, and shall be guilty of any of the Offences laid down in this act, he shall be equally incapable of holding any office in this Territory, as if the same had been done within this Territory.

Sec 9. And be it further enacted, That it shall be, and is hereby made, the duety of the several attorneys prosecuting in behalf of the United States, or of the Territory in this Territory, to see that each and every provision of this Act is carried into full and complete operation at all times and places, where they, the said attornies may be.

Sec 10. And be it further enacted That on the trial of any person for sending a challenge, where the indictment shall be for sending, or for accepting a challenge, or for being the bearer of a challenge, it shall not be necessary to produce the written challenge, (if there be one) but to prove by parole testimony that there was a challenge sent, accepted, or carried, (as the case may be) shall be sufficient evidence on which to convict.

Sec 11. And be it further enacted, That all laws now in force in this Territory on the subject of duelling, be, and the same are hereby repealed; and this act to take effect and be in force from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives

Approved Oct 23 1820

James Miller

Edward Mdonald
President of the Legislative Council

An Act supplementary to the several laws now in force in this Territory for the recovery of Small Debts before a Justice of the Peace.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That in all cases where judgements are obtained, before any Justice of the Peace, in this Territory according to law, and the party gives security, as is required by law, for the stay of execution; the personal property of the defendant, shall be bound from and after the rendition of said judgement, for the time of the stay of the execution, according to the amount of the debt, as is now provided by law, for the stay of execution; any law, usage, or custom, to

the contrary notwithstanding

Sec 2. And be it further enacted. That this Act shall take effect, and be in force, from and after the passage thereof.

Joseph Hardin
Speaker of the House of representatives

Approved Oct 23 1820

James Miller

Edward Mcdonald
President of the Legislative Council

An Act supplementary to "An Act to regulate the Fiscal concerns of this Territory."

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That there shall be levied and collected as a Territorial Tax on all lands within this Territory claimed as a complete title, and on all lands claimed or confirmed by any act of Congress, a tax of one dollar and fifty cents on every hundred Acres, and so in proportion for a greater or less quantity in lieu of the tax of sixty cents heretofore imposed by law.

Sec 2. And be it further enacted, That there shall be levied and collected on the assessment or valuation as now provided for by law on all town lots within this Territory, together with the houses and improvements thereon, and all lots attached to said towns, and within the limits of the same, together with the improvements; if any there

be, and also on all dwelling houses in the country, the sum of Fifty cents for every hundred dollars thereof, and so, for a greater or less sum, which shall be in lieu of the sum of thirty cents for every hundred Dollars, and so on, as is now imposed by law

Sec 3. And be it further enacted, That there shall be levied and collected for every slave owned or possessed by any person residing in this Territory, above the age of ten years, except such as the Circuit Court shall exempt for sickness of disability, a tax of fifty cents annually, in lieu of the tax of sixty two and a half cents, heretofore imposed by law. Also there shall be levied and collected in like manner, for every wheel carriage kept for pleasure, the sum of Two dollars and fifty cents for every Hundred dollars of the valuation thereof, in lieu of the tax of One Dollar and fifty cents heretofore imposed by law.

Sec 4. And be it further enacted, That there shall be a tax on each license for the term of six months, to each store or stand, used and occupied for selling or retailing merchandize in this Territory, to be levied and collected, as is now provided for by law, the sum of Twenty dollars in lieu of the sum of Fifteen Dollars as heretofore provided by law; to be paid into the County Treasury.

Sec 5. And be it further enacted, That there shall be paid on each license for selling goods, wares, or merchandize, not the produce, growth, or manufacture of this Territory, by way of peddling, or going from place to place to vend the same the sum of Twenty Dollars as heretofore improved by law, to be paid into the County treasury.

Sec 6. And be it further enacted, That there shall be levied as a County tax in each and every County in this Territory, on each horse, mare, mule or ass, above three years old, a sum, not exceeding thirty one and a fourth cents. On all neat cattle above three years old, a sum not exceeding Ten cents. For each and every stud horse, the sum for which he stands the season for one mare. For every negro or mulatto slave between the age of sixteen and forty five years, a sum not exceeding One Dollar. For each billiard table, the sum of thirty dollars. For every able bodied single man of twenty one years and upwards, not being professed of property of the value of two hundred dollars, a sum not exceeding One Dollar. On saw mills, tanyards and distilleries in actual operation, a sum not exceeding One Dollar on every hundred

Dollars of their valuation. On all private or unauthorized lotteries, or schemes of any description for the disposal of money or other property, fifty per Centum on the value of the money or property proposed to be disposed of, as stated in the scheme or plan of said lottery which several sums, shall be in lieu of the several sums heretofore imposed by law. And there shall be paid for each tavern license for the term of twelve months, a sum not less than Ten, nor more than Fifty dollars, at the discretion of the Court who shall rate the same. And on each license for public ferries, such sum as shall be deemed just by the Circuit Court.

Sec 7. And be it further enacted, That the Tax heretofore imposed by law on grist mills in this Territory, is hereby repealed.

Sec 8. And be it further enacted, That all that part of the law of the Territory of Missouri, that was in force on the 4th day of July 1819, and made the law of this Territory, by the Organic law of this Territory, which is repugnant to, or inconsistent with the provisions of this act, be, and the same is hereby repealed. And all that is not inconsistent with, or repugnant to, the provisions of this Act, shall be in full force in this Territory.

Sec 9. And be it further enacted, That it shall be the duty of every Justice of the Peace in this Territory, and he is hereby required, on any Sheriff suing out of his Office, a warrant for the apprehension of any person or persons, for having refused to take a license for the vending of merchandise, agreable to the fourth section of this Act, the said person or persons so having refused shall be required

to prove on Oath, by one or more respectable witnesses, that the goods, wares, or merchandise so vended, or offered to be vended by him or them, are the growth and manufacture of this Territory, otherwise the said Justice shall fine the said delinquent or delinquents in a sum not exceeding Forty Dollars, any law to the contrary notwithstanding. Provided that no person shall be fined or compelled to take a license to vend flour, pork, bacon or corn, where the whole amount of his cargo does not exceed Three hundred Dollars; and where such person or persons shall offer but once in any one year any of the foregoing articles altho the amount shall not exceed Three hundred Dollars; but if any person or persons shall offer more than one cargo as above, in any one year, or where the amount exceeds Three hundred Dollars, (which amount shall be stated to the Sheriff on the Oath of the person offering the same for sale, or by proof

to that effect) every such person shall be liable to the laws as other venders of merchandise.

Sec 10. And be it further enacted. That this Act shall take effect, and be in force, from and after the passage thereof.

Approved Oct 24th 1820. James Miller

Joseph Hardin
Speaker of the house
of Representatives
Edward Mcdonald
President of the Senate

X

An Act *to authorize the payment of certain warrants drawn by the Territorial Auditor on the Territorial Treasurer.*

Sec 1. Be it enacted *by the General Assembly of the Territory of Arkansas, That thirteen warrants heretofore drawn by the Territorial Auditor in favor of divers individuals for their services in guarding, supporting and furnishing with fire wood and house room Thomas Dickerson, a prisoner charged with the crime of Rape, and amounting in the whole to the sum of One hundred and fifty four Dollars, and Fifty six and one fourth cents, shall be deemed good and valid in law, And the Territorial Treasurer is hereby authorized and directed to pay the same out of the Territorial Treasury in like manner that other moneys due by the Ter[illegible] authorized by law to be paid. And that where [illegible] to be enforced*

from and after the passage thereof.

Joseph Hardin
Speaker of the house of Representatives

Approved Octbr 24th 1820

James Miller

Edward Mdonald
President of the Legislative
Council

An Act to remove and transfer certain suits.

Sec 1. Be it enacted, by the General Assembly of the Territory of Arkansas, That in all cases where appeals have been taken from the decision of Justices of the Peace, to the general Court of the County of Arkansas, while under the Territory of Missouri, and which suits were, by an Act of the Governor and Judges of the Territory of Arkansas, passed, the third day of August, One thousand eight hundred and nineteen, transferred to the Superior Court of this Territory, all such suits shall be, and are hereby transferred for final decision, to the Circuit Court of the County, where the

defendant in such suit resides, or the County, now embracing the section of country or township on which the suit was first commenced, or the appeal taken.

Sec 2. And be it Further enacted, That it shall be the duty of the Clerk of the Superior Court, to make out a transcript of all proceedings had on any of the appeals now pending in said Superior Court, taken from the decision of Justices of the Peace, and transferred by the act before recited; together with all the Original papers in any such suit, and a bill of all costs that have accrued thereon, and certify the same, under his hand, and seal of Office to the Circuit Court

having jurisdiction thereof by this Act, and file the same in the Office of the Clerk of said circuit court. And the clerks of the several Circuit Courts, on receipt of any papers, as aforesaid, shall give a receipt therefor and doquet the same; and the circuit court, to whom any such transfer shall be maide, shall proceed thereon, in the same manner, as if the appeal had been to them in the first case. This Act to take effect and be in force, from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives

Approved Octr 24th 1820

James Miller

Edward M'donald
President of the Legislative Council

An Act supplementary to an Act, entitled "An Act, defining the powers and duties of Justices of the Peace, in matters of a civil nature; and for other purposes."

Sec 1. Be it enacted, by the General Assembly of the Territory of Arkansas, That from and after the taking effect of this Act, it shall be lawful for the Justices of the Peace, in this Territory, to hear and determine all matters in controversy between Plaintiff or Plaintiffs, and defendant or Defendants, at any day he may appoint in the Summons; and the return of the said Summons shall not be more than thirty days, nor less than five days, from the date of said Summons; and the service on the Defendant shall be at least five Days before the return of said Summons.

Sec 2. And be it further enacted, That whenever a Justice of the Peace, shall have issued any process returnable before

him, and by death, sickness, absence, or otherwise, he cannot attend at the proper time and place to hear and determine the same, it shall be lawful for any other Justice of the Peace in said Township to hear and determine the same, and he is hereby empowered to give judgement, and issue execution, and in every respect possess the same power that the Justice of the Peace would or could have done before whom the same was made returnable.

Sec 3. And be it further enacted, That in all cases of assault and battery, or breach of the Peace in the presence and view of any Justice of the Peace in any County in this Territory, or on any oath or affirmation being made before such Justice by a credible witness of any such assault and battery, or breach of the peace, being made or committed, it shall be the duty of such Justice to issue his precept directed to the constable of the Township, or the sheriff of the County, ordering him to bring such offender before him, or some other justice of the Peace, and

on confession of the party accused to fine him, or them in any sum not exceeding Twenty Dollars, or on the plea of not guilty being filed by the party or parties accused, it shall be the duty of said Justice to issue his venire, directed to the Constable or Sheriff as aforesaid, to summon twelve good and lawful men, qualified to serve as Jurors in this Territory, who after being duly sworn by said Justice, to well and truly try the issue joined, they shall proceed to enquire of the facts stated in the charge, and if they shall find the Defendant guilty, it shall be the duty of the justice to render judgement against the defendant or Defendants, in any sum not exceeding twenty dollars, and issue execution accordingly, Provided nevertheless, that a condemnation under this act shall be no bar to any action for civil damages in any court of competent jurisdiction in this Territory.

Sec 4. And be it further enacted, That it shall be the duty of any Justice of the Peace, in his respective County, upon information being given to him on Oath or affirmation, by any person or persons, stating that they have good reasons to believe, that their life, person, or property is in danger from the threats or menaces of any person or persons, to issue his warrant to the constable of the township, or sheriff of the county, commanding him forthwith to bring such person or persons before him, and shall cause such offender to enter into bond, and give sufficient security, to the Governor of this Territory, and his successors in Office, conditioned that they will observe and keep the Peace of the United States, and of this Territory, towards all its citizens, particularly the person or persons complaining, for any time not exceeding twelve months, nor less than one month. Provided however, that the sum specified in the recognizance shall not exceed Fifty Dollars for each

month; and on the failure or refusal to enter into such recognizance, the Offender so refusing or neglecting, shall be committed to the common Jail of the County, there to remain for the time they were to be bound, or until they shall enter into such recognizance.

Sec 5. And be it Further enacted, That the Justice of the Peace, and other Officers, shall ask and receive the same fees for the duties required by this Act, as they are now entitled to for similar ser-vices in the act to which this is a supplement. All fines and forfeit-ures accruing under this act, shall be for the use and benefit of the county in which the Offender shall be tried; and it is hereby made the duty of the Justices, before whom such fine may be assessed, to pay the same into the County Treasury.

Sec 6. And be it Further enacted, That in all cases where any person has any debt or demand against any other person in this Territory, and he shall have good cause to believe that said debtor

has removed, or is about to remove himself or effects out of this Territory it shall be lawful for such creditor, in all cases where the debt or demand shall exceed the sum of Fifty Dollars, to apply to some Justice of the Peace for the County where such debtor resides, and to file his affidavit in writing, stating that the person (naming him) is indebted to him in a sum exceeding Fifty Dollars, and that he has good cause to believe that the said Defendant is not a resident of, or residing in this Territory, or that he is about to remove himself and effects without the Territory (as the case may be) so that the Ordinary process of law cannot be served on him, and he the said Plaintiff is thereby in danger of losing his said debt, whereupon it shall be the duty of said Justice, to issue a writ of attachment returnable to the next term of the Circuit Court for the county in which he resides, commanding the Sheriff, or constable of his Township, to attach the said Defendant

by all and singular his lands and tenements, goods, chattles, money, credits, and effects, as is provided in the first section of an Act, entitled "An Act to provide a method of proceeding against absent, and absconding debtors".

Sec 7. And be it further enacted, That said Attachment when levied, shall bind said property in the hands of the Sheriff or Constable, or so much thereof, as shall be sufficient to discharge the debt, and costs of said suit; and that where the writ of attachment shall be returned to the clerk of the Circuit Court, it shall be docketted, and progress as in other cases of attachment: Provided, that no want of form in the writ, or want of a Judicial seal being attached thereto; shall vitiate the proceedings done by the Justices.

Sec 8. And be it further enacted, That the Juris-
-diction of Justices of the Peace in this Territory shall be extended, from
ninety, to One hundred Dollars, and that they shall proceed in all cases
of the Amount of One hundred Dollars, as they now can for ninety dollars

Sec 9 And be it further enacted, That where
any person shall deny any debt, or part of a debt before any Jus-
-tice of the Peace, as not just, the Justice of the Peace shall require such
person to deny on oath, and if he will not deny on Oath, the Plain-
-tiff shall have the right to substantiate his demand on his Oath,
and the Justice of the Peace, shall give Judgement accordingly.

Sec 10. And be it further enacted, That this
Act shall take effect, and be in force, from and after the first day of
January next.— Approved Oct 24th 1820

Joseph Hardin
Speaker of the House of Representatives

James Miller

Edward Macoate
President of the Council

Resolved by the general assembly of the State of Arkansas,

That the governor be and he is hereby required to give notice by advertisement in the public newspapers of this territory at least Six weeks to all persons holding certificates against the county of Lawrence which certificates had been issued by the clerk of the circuit court in and for said county prior to the fourth day of July and thereupon such holders shall produce and exhibit said certificates to say and certificates before the next general assembly that provisions may be made by Law for the payment of the same or else any

Person who does not pay his assessment as aforesaid before the next General assembly shall be forever after barred the right of payment.

Joseph Hardin
Speaker of the house of representatives

Approved Oct^r 24^th 1820
James Miller

Edward McDonald
President of the Legislative Council

An Act To transfer abstract Records of Deeds.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That whenever any new County has or may hereafter be separated from, or struck off any of the Counties of this Territory it shall be the duty of the clerk, (who is by law recorder,) of the County from which such new County has been, or may hereafter be struck off, to make out a fair and accurate abstract of all deeds that are on record in his Office, and where the land is, in that part of his county which has been struck off, in which abstract he shall state, by and to whom conveyed, the situation as to bounds, water-courses, &c. the quantity conveyed in such deed &c; And shall within One hundred and twenty days after the taking effect of this law, or after the striking off of such county forward the abstract so made, to the clerk, (who is

recorder) of the County so struck off. And it shall be the duty of the clerk of the County so struck off, on receipt thereof, immediately to record the said abstract, in the book kept in his office for recording deeds. And any clerk refusing or neglecting to comply with each and every provision of this Act, shall be fined in the sum of One Hundred and fifty Dollars, to be sued for by the prosecuting attorney on the bond of such delinquent clerk as in other cases of failure or neglect. This Act to take effect, and be in force from and after the first day of March next.

Joseph Hardin
Speaker of the House of Representatives
Edward Mcdonald

Approved Octr 24th 1820

An Act to suppress the buying of horses, mares &c. from Indians within this Territory.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That from and after the taking effect of this act, it shall not be lawful for any person or persons to buy of any Indian or Indians within this Territory, any horse, mare, gelding, or mule; nor to swap with any Indian or Indians, for any horse, mare, gelding, or mule; nor to hire of any Indian, or Indians, any horse, mare, gelding or mule; nor to take as a gift from any Indian or Indians, any horse, mare, gelding, or mule; nor to receive in trust, pledge, or for safe keeping from any Indian or Indians any horse, mare, gelding, or mule; nor shall any person or persons within this Territory, having been hired by Indians to any

or shape whatsoever, of any of the aforesaid property, deriving his, her, or their title from any Indian or Indians within this Territory.

Sec 2. And be it Further enacted, That if any person or persons shall, in violation of this Act, posses him, her, or themselves, in any manner or shape whatsoever, of any horse, mare, gelding or mule., deriving his, her, or their title, from any Indian or Indians, within this Territory, every person, or persons so offending, on conviction thereof shall forfeit the property so obtained, to the use of the County, and in every case, the person or persons so offending, and convicted thereof shall be fined in a sum not exceeding two hundred dollars, for each beast so obtained.

Sec 3. And be it further enacted, That on information being given to any Justice of the Peace on Oath or affirmation, stating that he, she, or they, making such Oath or affirmation, have good reasons to believe

that such person (whom they will name) has possessed him, her, or themselves of any property named in the first section of this Act in manner aforesaid; or where it comes within the knowledge of any Justice of the Peace, the Justice of the Peace so informed, shall immediately issue his warrant to the Constable, to arrest such Offender or Offenders, and the property, and bring them forthwith before him, and after due examination, the Offender or Offenders, who may be found guilty of violating this Act, shall be recognized, in a sum proportioned to the Offence, to appear at the next term of the Court to be holden for the County in which the Offender is recognized, to answer the charge, and on refusing or neglecting to give security for his, her, or their appearance, in such sum as will be sufficient to cover the fine as authorized by this Act, and the costs of the prosecution; he, she or they so refusing

or neglecting, shall be committed to Jail, and the property so seized by the constable, shall be, by order of the said Justice of the Peace, delivered to the sheriff of the county, to be by him kept, until such Offender or Offenders, shall be convicted or acquitted. Provided however, that if the Person or Persons from whom such property has been arrested, shall give to the sheriff, sufficient security for the faithful return of the property on rendition of Judgement by the Court, it shall be lawful for the sheriff to return the property, to the person or persons from whom it has been arrested: and if he, she, or they be acquitted, the property shall be restored; but if convicted, it shall be sold by the Sheriff, in the same manner as property is sold under executions; and the amount of such sale, with the fines, shall be paid into the county treasury.

Sec 4. And be it further enacted, That the mode of proceeding against persons violating this law, shall be by indictment in the Court of the County, where such Offence shall have been committed, or where the Offender or Offenders shall be taken; and no indictment shall be quashed for want of form, where the proof is a violation of this Act.

Sec 5. And be it further enacted, That the Sheriff shall receive for keeping per week, every such animal so confided to his care by the Court, or Justice of the Peace, as the case may be, the sum of One Dollar and fifty cents; and all costs shall be taxed, and paid as in other cases of indictment.

Sec 6. And be it further enacted, That it is hereby made the duty of each and every Officer of this Territory, to see that all

Offenders under this law, and also all Offenders under the tenth section of an Act of Congress, entitled, "An Act to regulate trade and inter-"course with the Indian tribes, and to preserve peace on the frontiers." are apprehended and tried, and if found guilty, punished; which section, is in the following words." That no such Citizen, or other per-"-son, shall be permitted to purchase any horse of an Indian, or of "any white man in the Indian Territory, without special license for "that purpose, which license, the Superintendant, or such other person, "as the President shall appoint is hereby authorized to grant, on the "same terms, conditions and restrictions, as other licenses are to be grant-"ed under this Act. And any such person who shall purchase a horse "or horses under such licenses, before he exposes such horse or horses for "sale, and within fifteen days after they have been brought out of the "Indian Country, shall make a particular return, to the superintend-

"or person from whom he obtained his license, of every horse purchased by
"him as aforesaid, describing such horses by their colour, height, and other natu-
"ral or artificial marks, under the penalty contained in their respective bonds,
"and every such person purchasing a horse or horses as aforesaid in the
"Indian Country, without a special license for every horse thus purchased
"and brought into any settlement of Citizens of the United States, forfeit a
"sum, not exceeding One Hundred dollars, and be imprisoned not exceeding
"thirty days. And every person who shall purchase a horse, knowing him
"to be brought out of the Indian Territory, by any person or persons
"not licensed as above to purchase the same, shall forfeit the value
"of such horse".

Sec 7. And be it further enacted, That if any per-
-son or persons shall forfeit the moneys of any property as provided
in this law, [illegible] as before provided, from any white-

-man coming from an Indian Country, who has not complied with the section of the Act of Congress here recited, every such person or persons, shall suffer the same penalty, as if he had derived his title to the Property so obtained from an Indian, as provided in the foregoing sections of this law.

Sec 8. And be it further enacted, That this Act shall take effect, and be in force, from and after the passage thereof.

Approved Octr 24th 1820

James Miller

Joseph Hardin
Speaker of the House of Representatives

Edward Mondd
President of the Legislative Council

An Act to remove Administrations and Executorships from Arkansas County to Phillips, and for other purposes.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That it may be lawful for any executor or administrator living in the County of Phillips, and who had taken on him, her or themselves the administration of any estate, or the execution of any last-will and testament before the passage of the law erecting and establishing the County of Phillips, and which administration or executorship remains unsettled in the Circuit Court for the County of Arkansas, and the estate in the County of Phillips, to remove said administration or executorship into the County of Phillips, by applying to the Clerk

of the Circuit Court for the County of Arkansas for all the original papers in such case and certified copy of all proceedings had thereon, and it shall be the duty of the clerk aforesaid to furnish all such papers, and shall ask and receive of the person making such application, the same fees as for similar services.

Sec 2. And be it Further enacted, That the Person or Persons receiving said papers, shall receipt to the Clerk for the same, and shall within twenty days thereafter file the same with the clerk of the Circuit Court for the County of Phillips and the Court shall proceed thereon in the same manner as if the administration or executorship had originated in the said County of Phillips

Sec 3. And be it further enacted The the provisions in the second section of the law erecting and establishing the County of Phillips, which goes to say," it shall be lawful for any person, who may be engaged in any suit, in the Circuit Court for the County of Arkansas, where the Defendant resides within the limits of the County of Phillips, to have such suits removed &c", shall be so construed that if the Plaintiff does not remove such suits, the Defendant shall not be bound to defend such suit in the County of Arkansas, any law to the contrary notwithstanding.

This Act to take effect and be in force from and after the passage thereof

Approved Oct 24th 1820

James Miller

Joseph Hardin
Speaker of the House of Representatives

Edward Mcdonald
President of the Legislative Council

An Act to authorise the building of a Jail in the Counties of Arkansas and Phillips.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That the Sheriffs of the Counties of Arkansas and Phillips, shall, within thirty days after the taking effect of this Act, give public notice by advertizements set up in at least one place in each township, that he will until a certain time, which time shall not be more than sixty days, nor less than thirty days, from the date of such advertizement receive proposals for building a good and sufficient Jail at the seat of Justice of the County of which he is Sheriff, and shall immediately after the expiration of the time so advertized, contract with the person making the best offer to build such Jail, on such plan as he the said Sheriff shall

direct, and shall take of the person with whom he contracts, a bond with sufficient surety, payable to the Governor and his successors in office, in double the sum contracted for, conditioned that the contract so entered into shall be faithfully executed within six months thereafter. And if the Person or Persons making such contract shall not comply, the prosecuting Attorney shall sue on said bond, and the penalty so forfeited, shall be paid into the County treasury, and the Sheriff shall contract with some other person or persons to complete such Jail.

Sec 2. And be it further enacted, That the Sheriff as aforesaid, shall open subscriptions to raise a fund to pay for said building, and all amounts subscribed, shall be collected as other debts by the Sheriff suing for the same for the use and benefit of the County Treasury to be appropriated for the building said Jail.

Sec 3. And be it Further enacted, That the Sheriff shall report to the next term of the Court for their respective Counties with whom they had contracted, and for what sum, and what amount had been subscribed, and if the sum subscribed should not be sufficient to pay the amount contracted, the Court shall proceed to levy a tax on any property or establishment within said County, to raise a fund sufficient, and the tax so levied, shall be assessed and collected in the same manner, by the same person, and for the same fees, as other County taxes; and paid into the County treasury for the purposes aforesaid.

Sec 4. And be it Further enacted, That the Sheriff shall not give more than seven hundred Dollars for building

said Jail, and shall settle with the next Court after the Jail is complete, all accounts that relate to such building. This Act to take effect and be in force from and after the first day of December next.

Joseph Hardin
Speaker of the House of Representatives

Approved Oct^r 24th 1820

Edward Mdonald

James Miller

An act entitled An act authorizing the Treasurer to issue Treasury Notes

Sect 1 Be it enacted by the general assembly of the Territory of Arkansas, That it shall be the duty of the Treasurer of this Territory to issue Treasury notes to any person or persons having dues or their accounts Legally audited to any amount in note of one dollar and upwards as the person — receiving said note may choose. This act to take effect from and after the passage thereof any law to the contrary notwithstanding

Joseph Hardin
Speaker of the house of representatives

Approved Oct 28th 1820
James Miller

Edward Bonnaud
President of the Legislative Council

An Act to establish Courts of Common Pleas in this Territory, and to regulate the terms of the Superior Courts

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Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, That there shall be a Court organized and established in each and every County within this Territory, to be composed of three judges for each court, and to be called The Court of Common Pleas, and to possess the same powers, and have the same jurisdiction (except in Chancery) that the Circuit Courts of this Territory now have; Provided, nevertheless, The Courts of Common Pleas shall have power to grant bills of Injunctions to stay the proceedings on any judgement rendered in said Court, and writs of error, which injunctions shall be returnable to the Superior Court of the district.

Sec 2. And be it further enacted, That the Governor shall appoint and commission for the term of three years in each and every County that is now, or may hereafter be laid off in this Territory three respectable house holders as Judges of the Court of Common Pleas, who shall, before they enter on the duties of their Office, take the several Oaths prescribed by law, and the said Judges, or any two of them, shall when qualified, do and perform all and singular the duties required of and enjoined on the present Judges of the Circuit Courts in this Territory, except in Chancery cases, and shall hold in their respective Counties, three Courts in each and every year on the following days (to wit) In the County of Arkansas, on the first mondays of January, May and October. In the County of Phillips, on the third mondays of January, May and October. In the County of Lawrence, on the first

mondays of February, June and November. In the County of Independence, on the third mondays of February, June and November. In the County of Pulaski, on the fourth mondays of February, June and November, In the County of Clark, on the first mondays of March, July and December. In the County of Hempstead, on the second mondays of March July and December. In the County of Miller, on the fourth mondays of March July and December. And In the County of Crawford on the second mondays of January May and October; and shall continue from day to day, until all the business be finished, and each judge shall receive p^{r} day for each day he actually sits as Judge Three Dollars to be paid out of any monies in the County treasury not otherwise appropriated.

Sec 3. And be it further enacted, That any two of said Judges shall form a quorum to do, and decide on any business

cognizable in said Court of Common Pleas, and two shall be necessary in all cases except to issue an attachment, which may be done by one. And said Judges, or any two of them shall, as soon as may be after their appointments, appoint in each of their respective Counties a suitable person as Clerk of the Court of Common Pleas, and shall fill all vacancies that may arise from time to time in the Office of Clerk, and the clerk so appointed shall be commissioned in the same manner, and for the same time, and give bond in the same manner, and for the same sum, and shall take the several Oaths, and shall perform the same duties, and possess the same powers, and receive the same fees as the present clerks of the Circuit Courts Provided however That the present Clerks of the Circuit Courts, shall continue in Office, and be Clerks of the Court of Common Pleas, for the balance of the time for which they have been respectively commissioned. And the several Clerks so appointed, shall, within six months after the taking effect of this Act, or after their appointment, provide a seal of Office, and

-porting to be the seal of the Court of Common Pleas of the County, for which he is clerk. Provided, That the several Clerks shall use their private seals, until they get a public one, certifying at the same time that it is their private seal, and that there is no public one

Sec 4. And be it Further enacted, That all suits, Dockets, Documents, Records, Administrations, Executorships and each and every thing now pending in, or belonging to the Circuit Courts, shall be, and is hereby transferred to the Court of Common Pleas, there to be proceeded on, in the same manner as they should or would have been in the Circuit Court, had not this Law been passed, Except Suits in Chancery, which shall be, and are hereby transferred to the Superior Court, and may be carried up by either party or his attorney, calling on the Clerk of the Circuit Court, or Court of Common Pleas, for all the original papers and a certified copy of all proceedings had thereon.

and the clerk so entitled as shall furnish the same and receive his fees therefor as in other and similar cases, and the party obtaining the same, shall within thirty days file the same with the clerk of the Superior Court, and shall be proceeded on as other suits.

Sec 5. And be it further enacted, That all writs, Summonses, Executions, or precepts of any kind that have been issued out of the Office of the Circuit Court, for the respective Counties, and made returnable to the next term of said Circuit court, agreable to the law now in force, shall be returnable to the first term of the Court of Common Pleas for the County as here laid down, and no defect or delay shall arise therefrom.

Sec 6. And be it further enacted, That the decisions of the Courts of Common Pleas, shall be subject to the same appeal or writ of error, as the Circuit Courts now are.

Sec 7. And be it further enacted, That so much of an Act passed by the Governor and Judges of the Territory of Arkansas, on the third day of August, in the year 1819, as requires the Governor to appoint and Commission Judges of the Circuit Courts, be, and the same is hereby repealed, and the Circuit Court established under that Act abolished, and no longer to exist than the taking effect of this Act, and all their powers and Jurisdiction transferred to the Court of Common Pleas.

Sec 8. And be it Further enacted, That the Territory shall be divided into three Superior Districts, and the Judges of the Superior Court shall hold two terms of their Court in each district, in each and every year, in the following manner (to wit) The Counties of Arkansas and Phillips shall compose the First District and the Superior Court for that district, shall be held at the Town

of Arkansas on the first mondays of February and August, annually; and the Counties of Lawrence, Independence, Pulaski and Crawford, shall compose the second District; and the Superior Court for that district shall be holden at the seat of Justice for the County of Independence on the fourth mondays of April and October, annually. And the Counties of Clark, Hempstead and Miller, shall compose the third District, and the Superior Court for that district shall be holden at the Seat of Justice for the County of Hempstead, on the first mondays in April and October, annually. And the said Superior Judges, or any one of them shall immediately proceed to appoint Clerks of the Superior Court, to be holden in the second and third Superior districts, and shall from time to time, fill all vacancies that may arise in the Office of Clerk, and the Clerks so to be appointed, shall be qualified in the same manner; as the present

Clerk of the Superior Court, and be in every respect on the same footing with him, and each of the said Clerks shall within six months after their appointments provide a seal of Office in the same manner, as shall have the same right to use his private seal, as the present Clerk.

Sec 9. And be it further enacted, That all suits and prosecutions now pending in the Superior Court, shall be tried in the District where the Defendant resides, and on application of either party or his attorney in such suit or prosecution, the Clerk of the present Superior Court, shall send up to the Superior Court of the district in which such Defendant resides; all the Original papers, with a certified copy of all proceedings had thereon, and a bill of all costs that have accrued, and the Clerk

to whom they are certified shall file and docket the same, and the Court proceed thereon in the Ordinary way.

Sec 10. And be it further enacted, That all writs Summonses, Executions, or Precepts of all kind, that may have issued out of the Office of the Superior Court, before the taking effect of this Act, and made returnable to the next term as pointed out in the law now in force, shall be returnable to the next term as laid down in this Act; and no defect or delay shall arise therefrom.

Sec 11. And be it further enacted, That so much of an Act passed by the Governor and Judges of the Arkansas Territory on the third day of August in the year 1819, as provides that there shall be two terms of the Superior Court held at the Seat of Government, to, and the same is, hereby repealed.

Sec 12. And be it further enacted, That the Governor shall appoint in each of the Superior Districts of this Territory, One person learned in the law, as Prosecuting Attorney, who shall prosecute all suits either civil, or criminal, as well in the Courts of Common Pleas, as in the Superior Court, in behalf of the United States and of the Territory, and each of said Attorneys shall receive annually One hundred Dollars in addition to the fees now allowed by law; Provided, That where an indictment is quashed for want of form, or a prosecution fail through his fault, or neglect, he shall pay all costs that have accrued thereon.

Sec 13. And be it further enacted, That this Act shall take effect, and be in force, from and after the passage thereof.

Approved Oct 25th 1820

James Miller

Joseph Hardin
Speaker of the House of Representatives

Edward McDonald
President of the Legislative Council

An act regulating Elections in the several Counties therein mentioned, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the aforesaid act as establishes the Times of holding Elections in the several Counties in this State shall be and the same is hereby repealed, and that the first day of August, and Thursday next after the first Monday in August in each and every year shall hereafter be the days for holding Elections in the several Counties in this State.

Sec. 2. And be it further enacted, That this Law shall be in force from and after the passage thereof.

Approved Oct. 24th 1828

Joseph Hardin
Speaker of the House of Representatives
Edward McDonald
President of the Legislative Council

Resolved by the General Assembly of the Territory of Illinois
That the Governor be, and is hereby authorized to employ some
proper person to take such steps as may be necessary, the public arms and
military stores now in the possession of this Territory, which have or may be used
or by this General Assembly directed for the use of this Territory
need be drawn out of the Public Treasury in the manner directed by an
act for that purpose heretofore passed.

Approved Oct 24th 1820

James Miller

Joseph Hadden
Speaker of the House of Representatives

Edward Mcdonald
Secretary of the Territory
of Illinois

Resolved by the General Assembly of the State of Rhode Island that the Governor be and he is hereby authorized to have printed in pamphlet form a sufficient number of copies of the laws of the present General Assembly which were passed at the January session, A. D. 1818, and which have not been published by the General Assembly of Rhode Island and Providence Plantations, and which are contained in the foregoing pamphlet, and to cause the same to be distributed among the respective towns in this State, in the following manner, to wit, to the Governor and Secretary each one copy; to the Judges of the Supreme Court; to the Judges of the General Court of Common Pleas, to the Clerks of the Supreme Courts, to the Recorder of each county, to the Justices of the Peace, to the Attorney General, to the Attorneys of the United States, the Circuit and County Courts, to the Representatives in the Congressional districts, to the Senators in the General Assembly, to the several Town Councils, to the Treasurer of the General Assembly

each, one copy; Provided it shall be the duty of every Officer, on his or their going out of Office, to deliver the copy of the laws with which he shall have been furnished in pursuance of this resolution, to his Successor in Office

Resolved also, That a sufficient number of copies shall be sent by Order of the Governor, to the care of the several clerks of each county in this Territory, whose duty it shall be, to distribute One copy to every officer or person allowed one in the foregoing part of this resolution

Resolved also, That the Governor be, and he is hereby authorized to draw on the Territorial Treasurer for the amount of expenses arising thereon, which are not otherwise provided for by law.

Approved Octr 26th 1820

James Miller

Joseph Hardin

Speaker of the House of Representatives

Edward Hanat

President of the Legislative Council

An act making further appropriations for the year eighteen hundred and twenty one the year eighteen and twenty

Sect 1 Be it enacted by the general assembly of the Territory of Arkansas. That the following appropriations are hereby made and shall be paid out of any monies remaining in the Territorial Treasury (not otherwise appropriated) on the warrant of the Territorial Auditor of public accounts. to discharge the debts and demands due from, and the expenditures of the said Territory for the year eighteen hundred and twenty and the year eighteen hundred twenty and one (to wit) a sum not exceeding Two thousand five hundred dollars to defray the expenses of the present general assembly including their pay a sum not exceeding one hundred and thirty two dollars and fifty cents

to Ed. Lewis for the storage of public army ammunition &c:
a sum not exceeding thirty five dollars To Lewis and Thomas
for stationary, victuals, wood and water for the use of this
General assembly. To woodruff and Briggs for printing for
the use of this general assembly a sum not exceeding twenty
two dollars. for contingent expenses a sum not exceeding
two thousand dollars. To Doctor Robert McClay for the use
of two rooms for the accomodation of this general assembly.
a sum not exceeding sixteen dollars. To William Montgomery
a sum not exceeding five dollars for candles furnished for
the use of this general assembly

SECT 2 And be it further enacted, That this Law

shall be in force and take effect from and after the passage thereof.

Joseph Hardin
Speaker of the House of Representatives
Edward McDonald
Speaker of the Legislative Council

Approved Oct^r 25^th 1820
James Miller

An Act to provide for the Electing Commissioners in the Counties of Clark Hempstead and Miller to locate the seats of Justice in said Counties and for other purposes.—

Sect 1 Be it enacted by the general Assembly of the Territory of Kansas, That there shall be elected on the first monday of August next in each of the Counties of Clark Hempstead and Miller three Commissioners who in each Township of said Counties and where the Townships are not then two in any of said Counties then two or more than the highest ~~highest~~ number of votes in other Townships in Townships shall be deemed elected to act in conjunction with those who may be elected from their respective Townships of said Counties provided that said Commissioners shall be elected according to the Rules and regulations provided for the election of members of the General Assembly and the returns of said election

be made to the clerks of the respective Counties in which said elections are held and it shall be the duty of said Clerks and Sheriff to count the Votes and give certificates to those who may be elected according to the provisions of this act in their respective Counties.

SECT 2 Be it further enacted. That said commissioners or a majority of them when so elected shall as soon as may be practicable and for the good of their respective Counties select and choose out the most eligible and convenient place for a County seat for their respective Counties and when so selected and marked for the reception of the Court shall be deemed in law the seat of Justice for the respective Counties for which the same selected and prepared and the courts of said Counties shall be held at said seat of Justice so soon as the said commissioners shall report the same to the judges of their respective Counties or Circuit Courts as the case may be

Sect 3 Be it further enacted that there shall be erected by
said commissioners for their respective counties about a jail and their
if they think it necessary a prothonotary office, a court house
for the transaction of county business, and a treasurer's office
for the county in any place where there are none standing as
near as circumstances
Sect 4 And be it further enacted that the said commissioners
before entering on the duties of their office shall take an
oath before a justice of the peace of the county well and truly
to execute the duties of their office, and keep secret all such matters
as shall be committed to them in confidence, and shall not
disclose the same directly or indirectly to any person or persons
whatsoever except when lawfully required to do so by any court
of justice within this state, and shall also take an oath
before some justice of the peace of the county well and truly
to execute the duties of their office, and keep secret all such matters
as shall be committed to them in confidence, and shall not
disclose the same directly or indirectly to any person or persons
whatsoever except when lawfully required to do so by any court
of justice within this state, and shall also take an oath

-duties and fulfill the trust they will faithfully discharge
the several duties expressed therein to the best of their knowledge
Sec 6 And be it further enacted that the said commissioners
shall be and they are hereby authorized to draw on the County
Treasury of their respective counties for any sums or sums not
exceeding, the sums allowed in this act for the building of the
Court houses and jails in their several counties herein named
said accounts being first audited by the Justices or County Court
of their respective counties and countersigned by their Chairman
or County Clerk for the time being which shall be a sufficient
voucher to the Treasurer to pay the same out of the County
Treasury to the said Commissioners, said accounts to be paid out of
any money in the County Treasury not otherwise appropriated
Sec 7 And be it further enacted that the said Commissioners
shall have power to appoint agents and contractors for building the
said Court houses and jails and to remove them at pleasure

of either which are so, to take effect from and after the first day of April next and may thereafter the Board of Supervisors of each county may, by order entered of record, levy and cause to be collected, in addition to the taxes now authorized by law, a tax not exceeding one dollar on each one thousand dollars of the assessed value of all property, real and personal, within the county, subject to taxation for county purposes, which property shall be assessed for taxation in the manner provided by law for the assessment of property for State purposes, and the taxes so levied shall be collected in the manner provided by law for the collection of State taxes, and not otherwise. Provided, however, that the Board of Supervisors of any county may, by order entered of record, levy and cause to be collected, in addition to the taxes now authorized by law, a tax not exceeding one dollar on each one thousand dollars of the assessed value of all property, real and personal, within the county, subject to taxation for county purposes, which property shall be assessed for taxation in the manner provided by law for the assessment of property for State purposes, and the taxes so levied shall be collected in the manner provided by law for the collection of State taxes, and not otherwise. That the act

Shall take effect and be in force from and
after the passage thereof.

Approved Oct^r 25^th 1820.

James Miller

Joseph Hardin
Speaker of the house of Representatives

Enrolled Act
passed by the Legislative Assembly

An Act appointing Commissioners to establish the Seat of Justice of Independence County.

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas. That John Read, Perry G Magness, Robert Bean Stephen Jones and Matthew Adams, be, and they are hereby appointed Commissioners with full and ample powers to point out and fix upon the most suitable and convenient place in the County of Independence for the purpose of erecting a Court house and Jail thereon, and the place they, or a majority of them may agree upon, shall be, and the same is hereby declared to be the permanent seat of Justice for said Independence County.

Sec 2. And be it further enacted That they the said Commissioners are hereby authorized and empowered to purchase, or receive as a Donation, a title for such lot of land, as they, or a majority of them may deem suitable and convenient as a seat for the aforesaid public buildings

and the said Commissioners, are authorized to take and receive, to them, their heirs, executors, and administrators, from the person or persons from whom they shall purchase a deed, or a bond, to make a deed to said lot, which deed or bond, shall be taken to the said Commiss-sioners, their heirs, executors, and administrators in trust for said County. and the lots which may remain, if any, after reserving what may be necessary for said Public buildings, shall be sold by said Commissioners, or a majority of them, either for ready money, or on a credit not exceeding One Year.

Sec 3 And be it Further enacted That said Com-missioners shall within ^ days after they have fixed the seat of Jus-tice of said County, give public notice by advertizements, set up at least, at one place in each township, that they will until a cer-tain time, which time shall not be more than sixty nor less than thirty days from the date of said advertizements, receive proposals

for building a good and sufficient Jail at the seat of Justice of said County, and shall immediately after the expiration of said time so advertized, contract with the person making the best offer, to build such Jail, on such place as they, the said Commissioners or a majority of them may direct, and shall take from the person with whom they contract, a bond with sufficient security payable to the Governor and his successors in Office in double the sum contracted for, conditioned that the contract so entered into, shall be faithfully executed within six months thereafter, and if the person or persons making such contract, shall not comply therewith, the prosecuting Attorney shall sue on said bond; and the penalty so forfeited shall be paid into the County Treasury, and said Commissioners shall contract with some other person for the building of said Jail.

Sec 4. And be it further enacted, That said Commissioners shall open subscriptions, to raise a fund to pay for said Jail, and all money subscribed, shall be collected as other debts, by the Commissioners, for the use and benefit of the County treasury; which money and what may be raised by the sale of lots aforesaid shall be appropriated for the building of said Jail.

Sec 5. And be it further enacted, That it shall be the Duty of the Governor of this Territory, as soon as may be, after the passage of this Act, to notify the Commissioners of their several appointments, and the said Commissioners so appointed, before they enter upon the duties of their Office, shall give bonds with at least two securities to be approved of by the Circuit Court of said Independence County in the penal sum of One thousand Dollars each, conditioned that they will truly, faithfully and honestly

appropriate and dispose of all and every part of money that shall come into their hands as Commissioners to the sole use and benefit of said County of Independence, agreably to the provisions of this Act, which bond shall be filed in the Office of the Circuit Court of Independence. And the said Commissioners shall moreover take an Oath before some proper authority that they will faithfully discharge the duties assigned them under this Act, and will, without partiality, select for the seat of Justice the most convenient and suitable place, taking into consideration donations and future divisions of said County.

Sec 6. And be it further enacted, That said Commissioners shall report to the Circuit Court of said County, at the first term after said contract for building the Jail is entered into, all their proceedings under this Act; and should it appear to the Court, that the proceeds of said subscriptions and the sale

of lots should not be sufficient to pay the amount contracted to be paid for said Jail, the Court shall proceed to levy a tax on any property or establishment, in said County, to raise a fund sufficient, and the tax so levied, shall be assessed and collected in the same manner, as other county taxes.

Sec 7. And be it Further enacted, That if any of said Commissioners shall refuse to Act, or their Offices in any way become vacant, then, and in that case, the Circuit Court of said County shall appoint others, in the place of those, who thus refuse to act, or whose Offices shall become vacant, who shall in all things comply with the requisitions of this Act. And when the said Commissioners shall have fully and completely discharged the duties herein assigned them, it shall be their duty at the next Circuit Court thereafter for said County, to present all their accounts and

proceedings under this Act to said Court for a final settlement, and said Court shall immediately proceed to settle and adjust all such accounts and proceedings; on which final settlement, if the Court is satisfied that the Commissioners have done their duty as herein assigned them, the said Court shall give to the Commissioners respectively a discharge from the duties assigned them, and cause the clerk to enter satisfaction on the bond or bonds of said Commissioners; And said Court shall allow to said Commissioners a reasonable compensation for their services. This Act shall be in force, and take effect from and after the passage thereof.

Joseph Hardin

Speaker of the house of representatives

Approved Oct^r 25^th, 1820

James Miller

Edward McDonald

President of the Legislative Council.

An Act for the limitation of Actions to be brought for the Inheritance or possession of Real Property.

Whereas it is necessary for the quieting of estates, and for the greater security of Real Property, that provision should be made for the limitation of Actions to be brought for any lands, tenements, or hereditaments, therefore,

Sec 1. Be it enacted by the General Assembly of the Territory of Arkansas, that from henceforth no person or persons whatsoever shall make entry into any lands, tenements, or hereditaments after the expiration of seven years, next after his, her, or their right or title to the same first descended or accrued, unto such entry person or persons, his or their heirs or successors, any writ of right, or other writ or process whatsoever, to sue or prosecute for any lands, tenements, or hereditaments of the seizin or possession of his, her, or

them; or his, her or their ancestor, or predecessor, nor declare or allege any other seizin or possession of his, her or them, or his, her or their ancestor or predecessor, than within seven years next before such writ, action or suit so hereafter to be sued, commenced or brought, Provided always, That any person or persons now having right or title of entry as aforesaid, the heir or heirs of such person or persons may within seven years from this time, enter or commence, any such action or suit, as he, she, or they, or his, her, or their ancestors or predecessors might have done before the passing of this Act.

Sec 2. And be it further enacted, That if any person or persons, having such title, be, or shall at the time such right or title first descended or accrued, within the age of twenty one years, feme covert, non compos mentis, imprisoned, beyond seas, or without the limits and jurisdiction of the United States'

of America; their such person or persons, and the heir or heirs of such person or persons, shall and may, notwithstanding the said seven years be expired, bring his, her, or their action, or make his, her or their entry, as he, she, or they might have done, before the passing of this Act. Provided, such person or persons, shall within seven years next after attaining full age, discoverture, soundness of mind, enlargement out of prison, or coming into the United States, sue for the same, and not at any time after the said seven years and in case such person or persons shall die within the said term of seven years, under any of the disabilities aforesaid, the heir or heirs of such person or persons shall have the same benefit that such persons could or might have had, by living until their disabilities should have ceased or been removed.

Sec 3. And be it further enacted ...

passed by the General Assembly of the Territory of Mississippi

"An Act for the limitation of Actions to be brought, and ...

or possession of real property," shall be, and the same is ...

This Act shall take effect and be in force, from and ...

purge thereof.

Approved Oct 25th 1820

James Miller

Joseph [illegible]

Speaker of the House ...

[illegible]